

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
3:09CV338-MU

This matter is before the Court upon the memorandum and recommendation of United States Magistrate David S. Cayer, filed November 17, 2009. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 10 days after service of the memorandum. It appears to the Court that the parties have not filed any such objections. After an independent and thorough review of the magistrate's memorandum, the Court concludes that the recommendation to grant Defendant's Motion to Dismiss for Improper Venue or, in the Alternative, to Transfer Venue is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are affirmed.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the magistrate is hereby AFFIRMED and this case is transferred to the District of South Carolina.

Signed: January 25, 2010

Graham C. Rushen

Graham C. Mullen  
United States District Judge

